

**SUPREME COURT MINUTES
FRIDAY, NOVEMBER 13, 1998
SAN FRANCISCO, CALIFORNIA**

S026700 People, Respondent

v.

Andrew Lamont Brown, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 5, 1999.

S037195 People, Respondent

v.

Jerry Noble Kennedy, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including November 30, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S043520 People, Respondent

v.

Carl Devon Powell, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including January 12, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S059739 In re James Robert Scott

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's return to the order to show cause is extended to and including January 11, 1999.

S067172 In re Tracy D. Cain
 on
 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including January 19, 1999.

S067887 In re Stephen Louis Mitcham
 on
 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including December 14, 1998.

S068133 In re Albert Cunningham
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including December 9, 1998.

S068488 In re Jose Arnaldo Rodriguez
 on
 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including December 14, 1998.

S068900 In re Morris Rodgers
 on
 Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 14, 1998.

S069442 People, Respondent

v.

James R. Metters, Jr., Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's answer brief on the merits is extended to and including December 12, 1998.

S070879 In re Mauricio Rodriguez Silva

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including January 11, 1999.

S073227 In re Earl Preston Jones

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including December 14, 1998.

S070028 People, Respondent

v.

Andrew James Allen, Appellant

The application of attorney David Carico for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S072243 People, Respondent

v.

Antonio Marcos Robles, Appellant

Upon request of appellant for appointment of counsel, Stephen Gilbert is hereby appointed to represent appellant on his appeal now

pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S052476 In re **William Martin Wittke** on Discipline

It is hereby ordered that State Bar Court case numbers 96-O-05471 and 96-O-05478 be severed from State Bar Court case number 97-PM-13099 and that the recommendation of the State Bar Court in those original proceedings be refiled nunc pro tunc to September 2, 1998, as S073564.

S052476 In re **William Martin Wittke** on Discipline

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above-entitled matter is lifted, and it is ordered that **William Martin Wittke** be placed on probation for two years, subject to the conditions of probation, including 60 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 8, 1998, as modified by its order filed June 3, 1998. The period of actual suspension and probation shall be concurrent with the period of actual suspension and probation imposed simultaneously in S073564. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be added to and become part of the membership fee for the year 1999.

S073564 In re **William Martin Wittke** on Discipline

It is ordered that **William Martin Wittke** be suspended from the practice of law for two years and until he makes restitution to Julie Dao and Hoc Tran (or the Client Security Fund, if appropriate) in the amount of \$635.00 and \$970.00, respectively, plus 10% interest per annum from July 1, 1995 and May 1, 1995, respectively, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning

and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. He is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 8, 1998, as modified by its order filed June 3, 1998. The period of actual suspension and probation shall be concurrent with the period of actual suspension and probation imposed simultaneously in S052476. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be added to and become part of the membership fee for the year 1999.